# Haryana Civil Judge (Mains) 2022

## Civil Law I · compulsory paper

Q1. (a) on what grounds can pleadings be amended and can an amendment be allowed even if it is barred by limitation?

(b) On what grounds can an appellate court set aside the judgement of the trial court?

(c) On what grounds can be a judgement Debtor object to execution of decree for recovery of immovable property?

Q2. (a) Explain the meaning of 'exparte decree' and elaborate on the remedies available to a person against whom exparte decree is passed?

(b) 'A' notified in the newspaper that he lost his watch worth INR 1,00,000 while shifting his house and announced the award that anyone who found the watch and brought it to him will be rewarded with INR 10,000 as the watch was gifted by his father and it is a precious watch for him. 'B' the person who transported his goods from his old house to the new one found his watch and brought it to 'A'. 'B' was not aware of the award announced in the newspaper. Coming to know subsequently about the reward that had been announced, 'B' decided to sue 'A' for recovery of the reward. Decide the dispute applying relevant provisions of law along with reasons.

(c) P applied for the post of headmaster in a school. The selection committee passed a resolution appointing him to the post, but the decision was not communicated to him. One of the members of the committee, however., in his individual capacity, informed P about the decision. Subsequently, the managing committee cancelled its resolution and appointed someone else instead of P. P filed a petition against the decision. Decide the case applying relevant provisions of law along with reasons.

(d) (i) 'A' a minor was facing criminal prosecution for dacoity. He borrowed Rs.2000/-from 'B' to defend himself. The creditor did not know that 'A' was a minor at the time of the agreement. Will the creditor succeed in recovering the amount under the Contract Act? Furnish reasons. (ii) 'A's marriage is scheduled for the 24th of march 2020. In furtherance of the same, the enters into a contract with a catering company 'C'. 'C' is hired to serve a buffet at the wedding. However, on 22nd March 2020, the Government puts a ban on gatherings of more than 10 people. This results in the cancellation of the wedding. Discuss the legal position.

Q3. (a) Under what circumstances is a plaintiff bound to seek declaration of title in addition to recovery of possession of immovable property?

(b) Can a co-owner file a suit for injunction against another co-owner? If so, under what circumstances?

(c) Can an ex parte mandatory injunction be granted? If so, under what circumstances?

(d) Do court have discretion to deny specific performance? If so, under what circumstances?

Q4. (a) What is the 'best evidence' rule? Elaborate.

(b) What is 'electronic evidence'? · Explain under what circumstances, electronic records are admissible in any Court proceedings without further formal proof or production of the original.

(c) Is a document procured by improper or illegal means admissible in evidence? If so, under what circumstances?

(d) Four partners a partnership for refining sugar. One of them was a wholesale grocer and had great skill in buying sugar at the right and proper time for the business. Accordingly, the business of selecting and purchasing sugar was entrusted to him. According to his skill and knowledge, he bought sugar for himself at a time when he thought the price was likely to rise. The sugar rose in value and the firm was in need of the same. He sold his own sugar to the firm without letting the partners know that it was his sugar that was sold. Is he accountable, if he makes any profit at the expense of the firm? Give reasons.

Q5. (a) Akanksha sold her scooter to Bhumika for a sum of Rs.17000. Bhumika pays the whole price except Rs.1000 which she promised to pay within a week. Akanksha holds possession of the scooter until the rest of the money is paid. But before the expiry of time, Bhumika becomes insolvent. Akanksha resold the scooter to Chetna for Rs.1750 without giving notice to Bhumika. Whether the re-sale is valid? Can Bhumika claim Rs.500, i.e., the profit on re-sale? Give reasons.

(b) Yamini in Bombay places an online order to Vamika in Chennai to send a packet of patented medicine. Accordingly, Vamika dispatches the order and delivers the packet. Yamini finds some defects in the medicine on opening the bottle. Vamika refuses to refund as the bottle is now open. Can Yamini claim the refund ? Give reasons.

(c) What are the different classes of civil courts prescribed in the Punjab Courts Act 1918?

(d) Under what circumstances can the Fair Rent fixed under the Haryana Urban (Control of Rent and Eviction) Act 1973, be revised?

(e) Enumerate and explain the circumstances under which a landlord may set the law in motion for eviction of his tenant under the Haryana Urban (Control of Rent and Eviction) Act 1973?